

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT**

ALBIN MELI, <i>et al.</i>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 2:19–CV–71
	)	
CITY OF BURLINGTON, VERMONT,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANTS’ RESPONSE TO PLAINTIFFS’  
MOTION TO SET DATE CERTAIN FOR TRIAL**

Defendants, City of Burlington, Vermont, Brandon del Pozo, Jason Bellavance, and Cory Campbell, through their undersigned counsel, respectfully submit this Response to Plaintiffs’ Motion to Set Date Certain for Trial (Dkt. No. 122).

While Defendants do not oppose Plaintiffs’ request for a date certain for trial, Defendants respectfully submit any trial date set by the Court should reflect the posture of this litigation. As detailed in Defendant’s Motion to Modify Scheduling Order (“Motion to Modify”), Plaintiffs and Defendants continue to actively engage in discovery in this matter. *See* Dkt. No. 124 at 2-3. Plaintiffs and Defendants have depositions scheduled through June and anticipate additional depositions being scheduled for June and July. *See id.* at 2. As noted in Defendant’s Motion to Modify, Defendants anticipate moving for summary judgment before the end of June. *See id.* at 2-3; *see also id.* at Ex. A.

The Amended Scheduling Order proposed by Defendants in connection with Defendants’ Motion to Modify requires the case to be trial ready by August 2, 2021, which would allow for the October trial date Plaintiffs seek. *See id.* at Ex. A. Defendants respectfully submit any trial date set by the Court should, however, allow time for the Court to adjudicate Defendants’

forthcoming Motions for Summary Judgment and recognize the potential for an interlocutory appeal to the Second Circuit on the issue of qualified immunity.

WHEREFORE, Defendants respectfully request the Court set a date certain for trial in this matter that reflects the posture of this litigation and allows time for the Court to adjudicate Defendants' forthcoming Motions for Summary Judgment.

Dated at Burlington, Vermont this 14<sup>th</sup> day of June, 2021.

CITY OF BURLINGTON, VERMONT,  
BRANDON DEL POZO, JASON  
BELLAVANCE, AND CORY CAMPBELL

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